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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,055	09/16/2003	Yan Chang	GLYO-P02-007	5479

28120 7590 01/11/2006
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EXAMINER

WHITE, EVERETT NMN

ART UNIT	PAPER NUMBER
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1623

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/665,055	Applicant(s) CHANG ET AL.	
	Examiner Everett White	Art Unit 1623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45, 47 and 48 is/are pending in the application.
- 4a) Of the above claim(s) 23 and 27-43 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-16, 44, 45 and 47 is/are allowed.
- 6) ☒ Claim(s) 17-22 and 48 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 25, 2005 has been entered.
2. The amendment filed October 25, 2005 has been received, entered and carefully considered. The amendment affects the instant application accordingly:
 - (A) Claims 24-26 and 46 have been canceled;
 - (B) New Claims 47 and 48 have been added;
 - (C) Claims 17, 23 and 27 have been amended;
 - (D) Comments regarding Office Action have been provided drawn to:
 - (I) Withdrawal of claims as directed to non-elected invention (Election by original presentation), which has been maintained for the reasons of record
 - (II) 112, 2nd paragraph rejection, which has been maintained for the reasons of record;
 - (III) 102(b) rejection, which has been maintained for the reasons of record.
3. Claims 1-23 and 27-45, 47 and 48 are pending in the case. Claims 23 and 27-43 are withdrawn from consideration as being directed to non-elected inventions.
4. The text of those sections of Title 35, U. S. Code not included in this action can be found in a prior Office action.

Election By Original Presentation

5. Claims 23 and 27-43, submitted May 9, 2005, are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The originally claimed inventions, which are directed to a method for inhibiting angiogenesis and the said submitted claims which are directed to methods for treating various disease conditions which are specifically set forth in Claims 23, 27-31 and 33-43

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are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions obviously have different modes of operation, different functions, and different effects.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, Claims 23 and 27-43 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

6. Applicant's arguments filed October 25, 2005 have been fully considered but they are not persuasive. Applicants argue that no more than a reasonable number of species are claimed. This argument is not persuasive since the submitted claims (Claims 23 and 27-43) are not drawn to a method of inhibiting angiogenesis in an organism as originally set forth in Claim 1 and there is no indication in the claims that the specific conditions recited in the submitted claims are species of a method of inhibiting angiogenesis. Claim 17 does not disclose the treatment of a specific condition.

Claim Rejections - 35 USC § 112, 2nd Paragraph

7. Claims 17-22 and 48 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention for the reasons set forth on page 3 of the Office Action mailed July 25, 2005.

8. Applicant's arguments filed October 25, 2005 have been fully considered but they are not persuasive. Applicants argue that the implication of angiogenesis and neo-vascularization was widely recognized as pervasive in a number of widely varied disease conditions at the time the present application was filed, and that it is sufficient and appropriate to describe the applicable diseases in the language the Examiner alleges is incomplete. This argument is not persuasive since Claims 17-22 and 48 do not recite a method of treating angiogenesis and neovascularization.

Claim Rejections - 35 USC § 112, 1st Paragraph

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. Claims 17-22 and 48 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 17 has been amended to recite that the "disease condition thereof is not a cancer." However, no support is noted in the instant specification for this statement, which suggests that the statement is "new matter" and renders Claim 17 improper for not being in compliance with the first paragraph of 35 U.S.C. 112. Claims 18-22 and 48 are also rejected since these claims are dependent from Claim 17 and do not correct this error set forth in Claim 17.

11. Applicant's arguments with respect to Claims 17-22 and 48 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

12. Claims 17-22 and 48 stand rejected under 35 U.S.C. 102(b) as being anticipated by Raz et al (US Patent No. 5,895,784) for the reasons set forth on pages 3 and 4 of the Office Action mailed July 25, 2005.

13. Applicant's arguments filed October 25, 2005 have been fully considered but they are not persuasive. Applicants amended Claim 17 to exclude cancer as a disease condition. However, the rejection is maintained since this amendment to Claim 17 sets forth "new matter" as explained above in the rejection under 35 U.S.C. 112, first paragraph.

Allowable Subject Matter

14. Claims 1-16, 44, 45 and 47 are allowed.

15. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not teach or fairly suggest a method for inhibiting angiogenesis in an organism by administering to said organism a therapeutically effective amount of a compound comprising a polymeric backbone which is partially demethoxylated polygalacturonic acid interrupted with rhamnose residues having a molecular weight of up to 200 kDa.

Summary

16. Claims 1-16, 44, 45 and 47 are allowed; Claims 17-22 and 48 are rejected; and Claims 23 and 27-43 are withdrawn from consideration.

Examiner's Telephone Number, Fax Number, and Other Information


17. For 24 hour access to patent application information 7 days per week, or for filing applications, please visit our website at www.uspto.gov and click on the button "Patent Electronic Business Center" for more information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Everett White whose telephone number is (571) 272-0660. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson, can be reached on (571) 272-0661. The fax phone number is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-1600.


E.White


James O. Wilson
Supervisory Primary Examiner
Technology Center 1600